

### **Remarks**

The Applicants acknowledge the objection to Claim 7. That claim has been canceled thereby rendering the objection moot.

The Applicants acknowledge the objection to the Specification under 35 U.S.C. §132(a). The Applicants have cancelled the objected to subject matter solely for the purpose of avoiding any possibility that this application will be abandoned. However, the Applicants' changes made in the Preliminary Amendment were, as previously stated, made to correct inadvertent errors. Thus, any member of the public that is viewing this file history should understand that the corrections made in the Applicants' Preliminary Amendment embody the intentions of the Applicants as to the subject matter of this disclosure. The originally filed application contained the above-mentioned inadvertent errors and it would further be in error for a member of the public to rely on those minor errors.

The Applicants acknowledge the comments concerning the Applicants' claim of priority. For the record, and contrary to the Official Action, the Applicants did file a certified copy of JP 2002/261773. That certified copy did, in fact, have a certifying ribbon. Apparently, the ribbon was inadvertently removed by the PTO. However, for the record, the Applicants did, in fact, submit a certified copy. For the convenience of the Office and to facilitate early allowance of this application, the Applicants provide yet another certified copy. Entry into the official file and acknowledgement is respectfully requested.

The Applicants acknowledge the rejection of Claims 1-28 under 35 U.S.C. §112. The term "gap portion" as recited in Claims 1 and 17 constitutes a spacing which is afforded in a structure, as disclosed in the Applicants' Specification at lines 7 to 13 (paragraph [0051]) on page 17 as follows: "... formed by forming or assembling one or more members so that gaps are formed, and the structure, shape, or size, is not restricted. For example, an arrangement may be made wherein a sheet of Fe-Cr alloy plate is bent, and both ends are connected by welding, caulking, or bolting, or an arrangement may be made wherein multiple members where Fe-Cr alloy plates that have been subjected to press-formation and are integrated by means of welding, caulking, or bolting". This is the same as a definition of "structurally gapped portions containing components" recited in Claim 1 of Sakamoto. Withdrawal of the rejection as it applies to the "gap" portion of Claims 1 and 17 is accordingly respectfully requested.

With respect to Claims 3 and 19, the Applicants note that those claims have been cancelled, thereby rendering that rejection moot.

The Applicants acknowledge the rejection of 1, 2, 5, 17, 18 and 21 under 35 U.S.C. §102 as being anticipated by Sakamoto. The Applicants respectfully submit that the rejection is moot in view of the amendment of Claims 1 and 17 to include the subject matter of Claims 4 and 20. Withdrawal of the rejection is respectfully requested.

The Applicants acknowledge the rejection of Claims 4 and 20 under 35 U.S.C. §103 over Sakamoto. The Applicants respectfully submit that the rejection is moot in view of the cancellation of those claims. Nonetheless, the Applicants respectfully submit that amended Claims 1 and 17, which now contain the subject matter of Claims 4 and 20, respectively, are fully patentable over Sakamoto. A major difference between the Applicants' Claims 1 and 17 and Sakamoto is the amount of Zn contained in the paint. The Zn content is in the dry paint film, defined by Expression (1) in Claims 1 and 17 is 70% by mass or less. The Zn content is defined, as disclosed in the Applicants' Specification from line 10, page 21 to line 5, page 23, as a condition for securing primary adhesion on the surface of the stainless steel sheet and, further, to avoid deposition of zinc occurring at the bottom of the paint for which the maximum amount of metal powder in the paint is 70% by mass or less, and for securing the corrosion resistance of the gap, the Zn content is defined as  $70 - \{2.7 \times (\text{Cr} + 3.3\text{Mo})\}$  or more.

In sharp contrast, Sakamoto discloses in paragraph [0033] that there is formed a film or films of 10  $\mu\text{m}$  or more in thickness, each of which consists of metal powder or particles 1 to 100  $\mu\text{m}$  in average grain size and a resin and has a metal content of 75 mass percent or more, on the outer surface of the fuel tank or the fuel pipe. In paragraph [0068], line 7, it is disclosed that it is necessary that the content of the metal powder for securing the electric conductivity is 75 mass percent or more. Table 4 of the Inventive Examples of Sakamoto shows Inventive Examples (41, 48, 50, 52, 304 and 305) containing 100 % Zn, which have alloy content at 75 to 80 mass percent and this clearly deviates from the range of the Applicants' Claims 1 and 17.

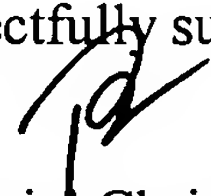
As discussed above, Claims 1 and 17 define the Zn content in the paint by giving consideration to the corrosion resistance of the gap, primary adhesion and workability of the paint. On the other hand, Sakamoto restricts the metal content to 75 mass percent or more to secure conductivity to ensure the protective potential. Thus, Claims 1 and 17 are novel and anything but

obvious. The Applicants therefore respectfully submit that Sakamoto is inapplicable to amended Claims 1 and 17 under 35 U.S.C. §103.

The Applicants note with appreciation the indication that Claims 3, 6-16, 19 and 22-28 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112 and to include all limitations of the base claim and any intervening claims. The Applicants have cancelled all of those claims in favor of new Claims 29-48. Confirmation of allowance is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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